

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 6 TO DIVISION 4 OF TITLE 2 OF THE SAN BERNARDINO COUNTY CODE, RELATING TO SHERIFF SERVICES FEE FOR CALLS TO PARTIES REQUIRING MORE THAN ONE RESPONSE.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Chapter 6 is hereby added to Division 4 of Title 2 of the San Bernardino County Code, to read:

Chapter 6

SUBSEQUENT SHERIFF RESPONSE TO PARTIES, GATHERINGS OR EVENTS

SECTIONS:

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| 24.0601 | Findings. |
| 24.0602 | Definitions. |
| 24.0603 | Sheriff Services at Parties Requiring More Than One Response. |
| 24.0604 | Sheriff Services Fee. |
| 24.0605 | Billing. |
| 24.0606 | Appeal. |

24.0601 Findings.

The Board of Supervisors finds and determines that parties, gatherings or events on private property can constitute a threat to the peace, health, safety or general welfare of the public. Officers have been required to make many return calls to parties, gatherings or events in order to disperse uncooperative and unruly participants. Such return calls drain the manpower and resources of the Sheriff's Department and can leave other areas of the County without minimal levels of law enforcement protection so as to create a significant hazard to the safety of citizens and Sheriff's officers.

24.0602 Definitions.

As used in this Chapter, the following terms shall have the following meanings:

(a) "Party" means a party, gathering, event or other assembly of persons for a social occasion or other activity.

(b) "Sheriff services fee" means all costs of personnel and equipment for the amount of time actually spent in responding to or in remaining at a party at the rate established in Section 16.0226(m) of this code, including but not limited to the salaries of Sheriff's Department personnel, as well as the actual cost of any medical treatment to injured officers, the cost of repairing any damaged County equipment or property, and overhead and administrative costs related to all of the foregoing.

(c) "Person responsible for the party" means any of the following:

(1) The person or persons who own the property where the party takes place;

(2) The person or persons in charge of the premises where the party takes place;

(3) The person or persons authorizing the use of the premises for the party;

(4) The person or persons who organized the party.

(d) "Subsequent Sheriff response" means any Sheriff Department response to the location of a party made within twelve hours after the service of a written warning on a person responsible for the party that the party is in violation of the law.

24.0603 Sheriff Services at Parties Requiring More Than One Response.

(a) A Sheriff services fee may be imposed when:

(1) A Sheriff's Department officer at the scene of a party has given written notice to a person responsible for the party that the party violates the law; and

(2) A subsequent Sheriff's Department response to the party is required to control the threat to public peace, health, safety and welfare and to disperse the party.

(b) The provisions of this chapter are in addition to the authority of the Sheriff to regulate parties and shall supplement, and not supplant, the exercise of any other law including, but not limited to, arrest or citation pursuant to the California Penal Code or local law.

24.0604 Sheriff Services Fee.

(a) Each person responsible for the party for which a Sheriff services fee is imposed under Section 24.0603 of this code shall be jointly and severally liable for the Sheriff services fee. Where a person responsible for the party for which a Sheriff services fee is imposed under Section 24.0603 of this code is a minor, the parents or guardians of that minor shall be jointly and severally liable for the Sheriff services fee.

(b) The amount of the fee imposed pursuant to this chapter shall be a debt, owed to the County of San Bernardino, of the person responsible for the party receiving the Sheriff services and, if minors, their parents or guardians. Any person owing money shall be liable in an action brought by the County in its own name to recover such amount, plus costs and reasonable attorneys' fees.

24.0605 Billing.

The Sheriff or his designate shall cause appropriate billings to be sent to the person responsible for the party. Where there is more than one person responsible for the party, the Sheriff or his designate may, in his discretion, bill each such person for the portion of the Sheriff services fee that is attributable to such person's actions in causing the violation of the law referenced in Section 24.0603(a) of this code.

24.0606 Appeal.

(a) Any person receiving a bill for Sheriff services provided pursuant to this chapter may, within fifteen days after the bill is mailed, file a written request with the Sheriff's Department appealing the bill. Any appeal regarding the bill shall be heard by an employee of the Sheriff's Department as designated by the Sheriff.

(b) After a request for appeal is filed, the County shall refrain from collection of the bill until conclusion of the appeal.

(c) If, after a hearing before a Sheriff's Department employee, the appeal is denied in part or in full, all amounts due to the County shall be paid within thirty days.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors declares that it would have enacted this ordinance and

each section, subsection, sentence, clause or phrase hereof irrespective of any determination of invalidity.

SECTION 3. This ordinance shall take effect thirty (30) days from the date of adoption.

FRED AGUIAR, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

J. RENEE BASTIAN, Interim Clerk of the
Board of Supervisors

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, J. RENEE BASTIAN, Interim Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the _____ day of _____, 2001, at which meeting were present Supervisors: _____

_____,
and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this _____ day of _____, 2001.

J. RENEE BASTIAN, Interim Clerk of
the Board of Supervisors of the County
of San Bernardino, State of California

Deputy

APPROVED AS TO FORM

ALAN K. MARKS, County Counsel

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By _____
ROBERT L. JOCKS
Deputy County Counsel

Dated: _____

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